



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held November 27, 2007, the Board took the following action:

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At the time and place regularly set, notice having been duly given, the following item was called up:

De novo hearing on Conditional Use Permit Case No. 98-062-(3), and Final Environmental Impact Report, to authorize construction, operation and maintenance of a private religious preschool, elementary and middle school (pre-kindergarten through eighth grade) for up to 750 students and 97 staff on property located northeasterly of Palo Comado Canyon Rd. and east of Cheseboro Rd., Agoura Hills, Malibu Zoned District, applied for by Abraham Joshua Heschel Day School West, as further described in the attached letter dated July 6, 2006 from the Director of Planning. (Appeals from Regional Planning Commission's approval and conditions of approval)

All persons wishing to testify were sworn in by the Executive Officer of the Board. Mark Child, representing the Department of Regional Planning, Dennis Hunter, representing the Department of Public Works and Phil Crocker, representing the Fire Department testified. Dan Kuperberg, Mayor of City of Agoura Hills, Ben Reznik, Roger Van Wert, Jim Aidukas, Mary Wiesbrock, George Colman and others addressed the Board. Written correspondence was presented.

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Supervisor Yaroslavsky made the following statement:

“On June 28, 2006, the Regional Planning Commission approved a Conditional Use Permit (‘CUP’) for the Abraham Joshua Heschel Day School West after determining that the school would conform to the North Area Plan, would comply with all of the County’s zoning regulations, and would not harm the health, peace, comfort or welfare of the surrounding community. In response to appeals of that decision, the Board of Supervisors has since directed the school to redesign the Canwood St. entrance to better protect the natural topography of the site, prepare revised design guidelines to protect the rural aesthetic of Old Agoura, reduce its noise impacts on the surrounding community, and ensure that the school’s special events will be managed so as to respect its neighbors. Further, the school is designed so that over 70% of the property will be preserved as open space, including the dedication of a 29-acre conservation easement that will permanently protect the Liberty Canyon Wildlife Corridor.

“In addition to these changes, the Board directed the applicant to prepare an emergency plan checklist that will help form the basis for a comprehensive emergency plan. While every school in the County needs to file an emergency plan with the Sheriff’s Department, this checklist creates an additional public safety mandate within the CUP to ensure that the school will take every feasible step to create a safe environment for its students and faculty, as well as cooperate with the community, the City of Agoura Hills, and the Fire and Sheriff Departments to insure an adequate and appropriate response to any emergency.

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“Finally, as it relates to traffic impacts, the Environmental Impact Report identified two feasible options (a roundabout and a three-phase traffic signal) at the school’s primary Canwood St. entrance that would safely mitigate the full-sized school’s project-specific traffic impacts. The final decision as to which of these options to choose rests with Caltrans, and the Board of Supervisors should not arbitrarily pick one traffic solution over the other. The school should therefore be allowed to open if it implements either the traffic signal or the roundabout. In addition, the school must pay its fair share of the costs and continue to work with the City of Agoura Hills, the County, and Caltrans to design and build roadway improvements that address the area’s cumulative traffic problems and that will ultimately improve the operation of the local intersections.

“The Supplemental Environmental Analysis identified an additional traffic mitigation scenario wherein the school could still open its doors without creating any significant traffic impacts solely by reducing the size of the school to no more than 390 students, using an intensive carpooling and bussing program, and creating an access loop where cars enter the school at Canwood St. and exit at Chesebro Rd. In the event that neither the traffic signal nor the roundabout are installed within four years, the school should be able to use the traffic management plan identified by the Supplemental Environmental Analysis on an interim basis to operate a school with a student population not to exceed 390 students, while either the roundabout or the traffic signal at Canwood St. and Palo Comado is built.

“Once the following changes are approved, the Heschel West School will have met its legal obligation to comply with the North Area Plan, all County zoning regulations, and protect the surrounding community and the Board of Supervisors should approve its Conditional Use Permit.”

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Therefore, on motion of Supervisor Yaroslavsky, seconded by Supervisor Knabe, unanimously carried (Supervisor Molina being absent), the Board closed the hearing and took the following actions:

1. Approved and certified the Final Environmental Impact Report (FEIR) and the Final Supplemental Environmental Analysis (FSEA); and made a finding that the FEIR and the FSEA has been completed in compliance with the California Environmental Quality Act, and reflects the independent judgment and analysis of the County;
2. Approved and adopted the attached Environmental Findings of Fact, Statement of Overriding Considerations and the Mitigation Monitoring Program prepared for the project, including modification recommended by staff;
3. Indicated its intent to approve Conditional Use Permit Case No. 98-062-(3); and
4. Instructed County Counsel to prepare the necessary findings and conditions, including the conditions recommended by the Regional Planning Commission with the following additional conditions and modifications as recommended by Supervisor Yaroslavsky as follows, for final approval:
 - Adopt the revised grading concept for the primary Canwood St. driveway prepared pursuant to the Board's January motion in order to minimize the driveway's impact to the southern ridgeline on the property;
 - Authorize the school's use of either the roundabout or the three-phase traffic signal at the intersection of Canwood St., Palo Comado Canyon Rd. and the westbound 101 Freeway off ramps;
 - Authorize the school's use of the Proposed Interim School Student Carpool/Busing Program developed pursuant to the Board's January motion and studied in the Supplemental Environmental Analysis only if neither the roundabout or the traffic signal is in place prior to the 2011-2012 school year;

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- Require the school's emergency plan to, at minimum, fulfill the requirements of the emergency checklist ordered by the Board of Supervisors and require the emergency plan to be approved by the Fire and Sheriff's Departments prior to the school's opening each school year;
- Require parents and guardians, as a condition of both enrolling and continuing to enroll their children in the Heschel School, to comply with all emergency procedures and emergency orders issued by the Fire and Sheriff's Departments;
- Include plans in the emergency planning checklist for how the school will respond to a hazardous materials incident on the 101 Freeway;
- Mandate the emergency plan to include a contract or memorandum of understanding with bus agencies sufficient to help evacuate students and faculty during a disaster, as may be ordered by the Fire or Sheriff's Department, and ensure that there is sufficient redundancy in that contract or memorandum of understanding to make sure that the planned-for busses actually arrive during an emergency;
- Adopt both the Design and Landscape Standards developed pursuant to the Board's January motion as mandatory conditions of the CUP and require the Director of Planning or his designee and the County biologist to attend the community open house on the Landscape Plans;
- Explicitly mandate that both the modular and permanent school buildings shall comply with the design and architectural descriptions found in the Environmental Impact Report and the responses developed pursuant to the Board's January motion;

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- In order to enhance the sound and visual barrier between the Old Agoura community and the school's campus, require the 100 foot buffer along the school's western property line to be augmented with an open space designation on the approved site plan that extends to the western edge of the school's permitted development running continuously from the Canwood St. entrance to the secondary access at Chesebro Rd. This extended open space zone shall not be used for any active recreation or other school functions, except for necessary maintenance, and should be landscaped so as to appear as a native grassland or savannah with scattered trees appropriate to the site's topography, orientation, and fuel modification requirements. Its eastern boundary should be marked by a split-rail fence that is appropriate to the equestrian aesthetic of the community along with a landscaped slope and/or a solid wall faced with locally occurring natural materials;
- Require to the maximum extent practicable that all landscaping on undisturbed portions of the extended open space buffer be planted prior to the start of grading;
- Require the school to prepare photometric renderings and sight-line analyses (including an outdoor lighting plan) prior to the community open house on the Landscape Plans, that illustrate the views of the school site from the rear property line of the homes along Chesebro Rd.;
- Require all manufactured slopes on the property to use landform grading techniques so as to create slopes that are compatible with the natural topography wherein the top and toe of slopes are rounded and blend naturally with the existing landforms;

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- Allow the Canwood St. access driveway to utilize retaining walls of up to 10 feet high. Those retaining walls shall utilize techniques, such as soil-nail walls, to minimize the visibility of the wall. In order to mitigate off-site views of the access road, require the school to plant locally native trees and shrubs in a naturalistic pattern along both sides of the road and use small manufactured slopes or berms along the edge of the road as appropriate to further screen uninterrupted views of the roadway.
- Require all manufactured or cut slopes to be reseeded and replanted immediately after completion of grading with plant species native to the Santa Monica Mountains that are appropriate for the orientation of the slope. Clarify that only the grading necessary to complete Phase I shall be conducted during that Phase of the development;
- Adopt the Noise Attenuation Plan developed pursuant to the Board's January motion as mandatory conditions of the CUP;
- As feasible, prohibit the outdoor use of chimes and buzzers and ensure that they do not exceed 55dbA as measured at the school's property line;
- Adopt the Temporary Use Permit Conditions developed pursuant to the Board's January motion as mandatory conditions of the CUP and add the National Park Service as an agency that must be notified prior to each of the school's four major events per year;

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- Require the Director of Planning to make the grading and landscape plans available to the public for a period of not less than 30 days prior to the County's approval of the grading and landscape plans. Notice of availability of these plans shall be posted at public locations and shall additionally be provided directly to the City of Agoura Hills, the Old Agoura Homeowners Association, and any other parties that specifically request this notice. The plans will be reviewed with respect to consistency with the certified Final Environmental Impact Report and approved Conditional Use Permit Conditions, and approval will be based on the Director's consistency determination;
- Prohibit the use of anti-coagulant rodenticides anywhere on the school site;
- Require the school to adopt measures to mitigate light pollution stemming from indoor lights left on at night through the use of motion-sensors or other techniques acceptable to the Director of Regional Planning;
- Require the school to use varieties of turf that require the smallest feasible amount of water;
- Require that during project construction, the Fire Department shall be consulted to determine what, if any, work may occur on any day that is designated a red flag warning by the County Fire Department;
- As feasible, require that all private driveways and parking lots be constructed with permeable or semi-permeable surfaces to the satisfaction of the Director of Public Works and the Fire Department;

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- Require the school to install and maintain one light, equipped with an appropriate glare shield, at the school driveway on Canwood Street to ensure adequate roadway illumination as determined by the Director of Public Works for traffic at this location;
- Require the school to hold a minimum of two meetings per year with representatives of the Old Agoura Homeowners Association, the City of Agoura Hills, local trustee agencies, and County Regional Planning staff in order to help resolve any concerns about the school's operation or compliance with its permit conditions as well as provide updates on upcoming special events;
- In light of testimony received today, prepare appropriate findings related to the lack of a nexus under the Mitigation Fee Act to support the payment of fees to the Lost Hills Road/Las Virgenes Road Bridge and Major Thoroughfare Construction Fee District and instruct the Director of Public Works to take the necessary steps to amend the District boundary to remove the Heschel and adjacent State park properties.
- Require the school's permanent carpooling plan to include the mandatory inspections, penalties, and potential enrollment cuts that were established in the Final Supplemental Environmental Analysis; and

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- In order to fulfill the school's responsibility to pay for its fair-share of the cost of mitigating cumulative traffic improvements and providing enhanced certainty for when off-site traffic improvements will occur, require the school to fund and/or construct off-site mitigation measures using a payment plan and improvement construction plan that includes the following provisions:
 - a. If the school has mitigated its project-specific impacts through the construction of a three-phase traffic signal prior to the school's opening, the School shall pay an additional 10.6% fair-share payment of the total cost of constructing any bridge and roundabout improvements at the intersection of Palo Comado Canyon Rd. and the 101 Freeway. That total amount shall not exceed \$2.5M and shall be paid directly to the City of Agoura Hills over a period of 25 years or other period determined by the Department of Public Works in cooperation with the school and the City of Agoura Hills. Receipt of such payments shall be provided to the Director of Public Works. If actual construction of the bridge does not commence within 20 years of the date that this CUP is approved, this percentage of payment shall no longer be binding on the school but the school shall still be subject to any other appropriate mechanism for collecting fair share payments that is established by the City of Agoura Hills.
 - b. Over a period of ten years, the school shall pay a Traffic Impact Fee (TIF) to the City of Agoura Hills in the amount of \$1.24 million. As determined by the Department of Public Works in conjunction with the City of Agoura Hills and the school prior to final approval of the CUP, appropriate credits shall be given for specified off-site traffic improvements that are built by the school.

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- c. Using an appropriate payment schedule, the school shall pay directly to the City of Agoura Hills, a 10.6% fair-share payment of the total cost of conducting all Caltrans-required design, engineering, and environmental studies necessary to constructing roundabout and bridge improvements at the intersection of Palo Comado Canyon Rd., the 101 Freeway, and Canwood St., with these payments not to exceed a total of \$250,000. Receipt of such payments shall be provided to the Director of Public Works.

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Attachments

Copies distributed:

Each Supervisor
County Counsel
Director of Planning
Director of Public Works
Abraham Joshua Heschel
Day School West
Dan Kuperberg
Ben Reznik
Roger Van Wert
Jim Aidukas
Mary Wiesbrock
George Colman